

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF NORTH CAROLINA  
CHARLOTTE DIVISION  
3:07CV102-1-MU  
3:04CR138

THERESA M. LEWIS, )  
 )  
 Petitioner, )  
 )  
 v. )  
 )  
 UNITED STATES OF AMERICA, )  
 )  
 Respondent. )  
 \_\_\_\_\_ )

**ORDER**

**THIS MATTER** comes before the Court for an initial review of Petitioner's Motion to Vacate, Set Aside, or Correct Sentence, filed February 16, 2007.

On February 21, 2006, this Court sentenced Petitioner to 36 months imprisonment followed by two years of supervised release. Petitioner filed a Notice of Appeal on March 17, 2006 (Case No.06-4295). On April 12, 2006, the United States also filed a Notice of Appeal (Case. No. 06-4383). By order dated July 12, 2006, the United States Court of Appeals for the Fourth Circuit consolidated the two appeals into one case for purposes of briefing and oral argument. On August 1, 2006, Petitioner filed a Motion to Vacate which this Court dismissed without prejudice as premature because her direct appeal was still pending in the Fourth Circuit (Case No. 3:06CV343).

Petitioner has now filed another Motion to Vacate. Again, her appeal is still pending. Consequently, for the reasons already stated in this Court's August 10, 2006, Order, Petitioner's present Motion to Vacate is dismissed without prejudice as premature.

**THEREFORE, IT IS HEREBY ORDERED** that Petitioner's Motion to Vacate, Set  
Aside, or Correct Sentence is **DISMISSED** without prejudice.

Signed: March 8, 2007

A handwritten signature in black ink, appearing to read "Graham C. Mullen", written over a horizontal line.

Graham C. Mullen  
United States District Judge

